

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS W. MCCUNE,

Plaintiff,

v.

**DEPARTMENT OF
CORRECTIONS, et al,**

Defendants.

Case No. 1:24-CV-10

MEMORANDUM ORDER

This action was received by the Clerk of Court on January 11, 2024. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On October 29, 2024, Judge Lanzillo issued a Report and Recommendation recommending that this action be dismissed due to Plaintiff's failure to prosecute it. ECF No. 10. To date, no objections have been filed.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, together with the docket and the report and recommendation, the following order is entered:

AND NOW, this 30th day of December, 2024;

IT IS ORDERED that this action is dismissed due to Plaintiff's failure to prosecute it.

IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on November 20, 2024 [ECF No. 10] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge